

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

JAMES J. CONDON,

Plaintiff,

v.

Case No.: 3:24-cv-00063-NKM

ASSOCIATED UNIVERSITIES, INC.

Defendant.

DEFENDANT’S MOTION FOR JUDGMENT ON THE PLEADINGS

Defendant Associated Universities, Inc. (“AUI” or the “Defendant”), pursuant to Fed. R. Civ. Pro. 12(c), seeks dismissal of Plaintiff’s Complaint, with prejudice, because (1) Plaintiff was not an “employee” under Title VII at the time of the conduct underlying Plaintiff’s retaliation claim and is not otherwise protected as a former employee; (2) the alleged conduct by Plaintiff underlying his Title VII retaliation claim does not constitute protected activity under Title VII; (3) Plaintiff was not an employee protected under the Virginia Fraud and Abuse Whistleblower Protection Act; and (4) Plaintiff did not engage in protected activity under the Virginia Fraud and Abuse Whistleblower Protection Act.

WHEREFORE, Associated Universities, Inc. respectfully requests that the Court grant the motion pursuant to Fed. R. Civ. Pro. 12(c) and dismiss Plaintiffs’ Complaint, with prejudice, for the reasons set forth in the accompanying Memorandum in Support.

Respectfully submitted,
ASSOCIATED UNIVERSITIES, INC.

By: /s/ Amanda M. Weaver
Amanda M. Weaver
Virginia State Bar No. 86782
Counsel for Defendant
WILLIAMS MULLEN
200 South 10th Street, Suite 1600
Richmond, VA 23219
Telephone: (804) 420-6226
Facsimile: (804) 420-6507
aweaver@williamsmullen.com

William A. Truban, III
Virginia State Bar No. 98428
WILLIAMS MULLEN
200 South 10th Street, Suite 1600
Richmond, VA 23219
Telephone: (804) 420-6231
Facsimile: (804) 420-6507
wtruban@williamsmullen.com

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December 2024, I filed the foregoing Motion through the Court's Electronic Case Filing (ECF) system, which will send a Notice of Electronic Filing (NEF) to the following counsel of record:

Benjamin A. Beliles
Beliles & Associates, PLLC
1108 E. Main Street, Suite 1002
Richmond, Virginia 22319
bbeliles@benwinsagain.com

By: /s/ Amanda M. Weaver
Amanda M. Weaver
Virginia State Bar No. 86782
Counsel for Defendant
WILLIAMS MULLEN
200 South 10th Street, Suite 1600
Richmond, VA 23219
Telephone: (804) 420-6226
Facsimile: (804) 420-6507
aweaver@williamsmullen.com